

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

LEONEL MORENO, JR.,	§	
Petitioner,	§	
V.	§	C.A. NO. C-06-4
	§	
WARDEN JOE D. DRIVER,	§	
Respondent.	§	

**ORDER TO SUBMIT *IN FORMA PAUPERIS* APPLICATION**

On September 15, 2006, the undersigned entered an Order notifying Petitioner that his notice of appeal had been received, but that he had failed to pay the appellate filing fee. (D.E. 35). In that Order, Petitioner was instructed to submit to the district court “either the filing fee of \$455 or a completed application to proceed *in forma pauperis* together with an *in forma pauperis* data sheet certified by one of the officers in the law library” in order for his appeal to proceed. (D.E. 35 at 1). Instead of providing a completed *ifp* application or paying the filing fee, Petitioner submitted a document titled as a motion seeking a payment plan for paying the fee. (D.E. 36). In it, he asserts that, although he cannot prepay the entire filing fee, he believes he could make an initial payment of \$55, followed by monthly payments of \$50 until paid in full. (D.E. 36 at 3).

In order to pay the filing fee through a payment plan, Petitioner must submit the *in forma pauperis* application previously sent to him. The application must be submitted ***under oath*** and must contain the information regarding his inmate trust account, as certified by a prison official. Depending on the information in his application, payment of the filing

fee in installments may be appropriate.

Accordingly, Petitioner is directed to provide a completed *ifp* application and certified *ifp* data sheet ***within twenty days*** after the entry of this order. After receiving this information, the undersigned will rule on Petitioner's motion seeking a payment plan. Additionally, the Clerk is directed to send another copy of the *ifp* application to Petitioner.

ORDERED this 2nd day of October, 2006.

A handwritten signature in black ink, appearing to read "B. Janice Ellington", is written over a horizontal line.

B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE